

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE:) Case No. 3:19-bk-30822
TAGNETICS INC.,) Chapter 7 (Involuntary)
Alleged Debtor.) JUDGE GUY R. HUMPHREY

MOTION OF McCARTHY, LEBIT, CRYSTAL & LIFFMAN, CO. L.P.A.,
FOR LEAVE TO WITHDRAW AS COUNSEL

Pursuant to Rule 1.16 of the Ohio Rules of Professional Conduct and LBR 2091-1(a)(2), the law firm of McCarthy, Lebit, Crystal & Liffman, Co. L.P.A. and Robert R. Kracht, Esq; (collectively “MLCL”) respectfully move this Court for leave to withdraw from further representation of Tagnetics Inc., the Alleged Debtor (“Tagnetics”). In support of the Motion MLCL represents:

1. There have arisen and continue to exist irreconcilable differences between MLCL and Tagnetics that have prevented MLCL from being able to continue to represent Tagnetics in this matter. MLCL cannot go into particulars regarding the irreconcilable differences that currently exist due to the attorney-client privilege. MLCL is amenable to a telephonic in camera conference with the Court should the court wish to do so.
2. Tagnetics is currently represented by attorneys from three law firms with Attorney Stephen Stern and his firm, Kagan Stern Marinello & Beard, LLC, acting as lead counsel with the assistance of Douglas Draper and Leslie Collins of the firm of Heller, Draper, Patrick, Horn & Manthey, L.L.C. This Court previously granted Attorney Stern’s, Attorney Draper’s, and Attorney Collins’s motions to appear *pro hac vice*.

3. Permitting MLCL to withdraw at this time will not affect the matters pending before the court in that the telephonic hearing scheduled by the court for January 28, 2020 regarding (a) Tagnetics Application for Payment of Fees and Expenses, and (b) the remaining petitioning creditors Motion for Contempt, are matters that were intended to and would be addressed by Tagnetics lead counsel, Stephen Stern during the January 28th hearing.

4. MLCL has communicated its intent to file this Motion to Tagnetics through its principal, Mr. John White, and Tagnetics lead counsel, Mr. Stern who, along with Douglas Draper and Leslie Collins, co-counsel, will be served with a copy of this Motion by email immediately after its filing and by overnight express mail as referenced in the certificate of service below.

5. Accordingly, good cause exists under the Rules of Professional Conduct and LBR 2019-1(a)(2) for the granting of this Motion.

WHEREFORE, McCarthy, Lebit, Crystal & Liffman, Co. L.P.A. and Robert R. Kracht, Esq., for good cause shown, request that the within Motion be granted for the reasons set forth herein.

Dated: January 15, 2020

Respectfully submitted,

/s/ Robert R. Kracht
Robert R. Kracht (0025574)
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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2020, a copy of the foregoing *Motion for Leave to Withdraw as Counsel* was served (i) **electronically** on the date of filing through the Court's ECF System on all ECF participants registered in this case with the court and (ii) **electronically** by email on counsel for Tagmetics, Inc., Stephen Stern, Esq. (Stern@kaganstern.com), Douglas Draper, Esq. (ddraper@hellerdraper.com) and Leslie Collins, Esq. (lcollins@hellerdraper.com), and (iii) by **ordinary U.S. Mail** on January 15, 2020 addressed to:

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/s/ Robert R. Kracht
Robert R. Kracht (#0025574)